IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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FRIDAY, THE TWENTYNINTH DAY OF JULY

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

* * *

WRIT PETITION No.16711 OF 2005

Between:

J.Satyanarayana Dass & Ors. … Petitioners

Versus

The Principal Secretary to Government,

Revenue Department,

Govt.of Andhra Pradesh, Hyderabad, & Ors. …. Respondents

Counsel for the Petitioners: Mr. MANMADHA RAO KUMBHAJADALA

Counsel for the Respondents: GOVT.PLEADER FOR REVENUE

O R D E R

This writ petition is filed questioning the action of the respondents in not considering the representation of the petitioners dated 01-7-2005 seeking to permit them to pay the compensation for the land to an extent of 27,606 sq.mts., situate in survey nos.81/1 and 81/3 of Marripalem village and Mandal, Visakhapatnam district, which was declared as excess land, as arbitrary, unjust, improper and consequently direct the respondents to take necessary steps pursuant to the above representation.

The case of the petitioners is that they are the absolute owners and possessors of agricultural land admeasuring Acs:10-40 cents situate in survey nos. 81/1 and 81/3 of Marripalem village and Mandal, Visakhapatnam district, having succeeded the same from their father, who acquired by the dint of his efforts.

While things stood thus, the fourth respondent issued draft statement under section 8 (1) of the Land Acquisition Act in CC.No.6 (1)/4567/76/32 dated 28-7-1980 declaring 1500 sq.yards from out of 42,089 sq.mts as excess land. Pursuant to the draft statement of the fourth respondent, the petitioners submitted their objections stating

that the said land is self-acquired property of their father, Late Mr.J.Bhuavaneswara Dass. After the demise of their father, four sons, four daughters and a grandson of late J.Bhuvaneswara Das were allowed 1500 sq.mts and 14674 sq.mts of land was exempted and 27,606 sq.yards was declared as excess land and accordingly an order was passed to that effect. Questioning the said acts of the authorities in declaring 27,606 sq.mts of land as excess, the petitioners along with other legal heirs of Mr.J.Bhuvaneswara Das filed WP.No.7418 of 1999 and this court dismissed the same on 8-4-2003. Thereafter, the matter underwent in appeal, namely, WA.SR.No.46537 of 2004 and the same is pending.

It is submitted that the first respondent issued GO.Ms.No.456 Revenue (UCI) Department, dated 29-7-2002 framing certain guidelines with regard to general exemptions of excess vacant land held by the landholders. In spite of declaring the said extent of excess land, the physical possession of the land is with the petitioners and they have been cultivating the said land.

Now the petitioners submit that they have submitted a representation to the respondents on 01-7-2005 seeking to consider their request to pay compensation amount in view of the guidelines framed in G.O.Ms.No.456, Revenue (UCI) Department, dated 29-7-2002 but so far no action is taken.

Considering the facts and circumstances of the case, without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the respondents to consider the representation of the petitioners dated 01-7-2005 seeking to consider their request in terms of G.O.Ms.No.456, Revenue (UCI)

Department, dated 29-7-2002 and pass appropriate order on merits and in accordance with law, after affording reasonable opportunity of hearing the petitioners, within eight weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to interfere with the possession and enjoyment of the petitioners over the aforesaid extent of land.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JULY 29th, 2005. ----------

l s L. ELIPE DHARMA RAO , J.